

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: BRIAN THOMAS BIVENS
 CHANDRA MARY BIVENS

CHAPTER 13

Debtor(s)
JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
Movant

CASE NO: 1-21-01883-HWV

vs.
BRIAN THOMAS BIVENS etal
Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on April 22, 2022, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee, by and through his attorney James K. Jones, Esquire, and respectfully represents the following:

1. A Plan was filed on November 11, 2021.
2. A hearing was held and an Order was entered on February 23, 2022 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

/s/ James K. Jones, Esq.

Id: 39031

Attorney for Movant

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

Ste. A, 8125 Adams Drive

Hummelstown, PA 17036

Ph. 717-566-6097

email: jjones@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

Ronald Reagan Federal Bldg
Bankruptcy Courtroom, 3rd Floor
228 Walnut Street
Harrisburg, PA 17101

Date: May 25, 2022

Time: 09:35 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Respectfully submitted,

/s/ James K. Jones, Esq.
ID: 39031

Attorney for Movant
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

Dated: April 22, 2022

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on April 22, 2022, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail from Hummelstown, PA, unless served electronically.

Served electronically

JOHN M HYAMS ESQUIRE
2023 N 2ND STREET, SUITE 203
HARRISBURG PA 17102-

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

Served by 1st Class Mail

BRIAN THOMAS BIVENS
404 RESERVOIR RD.
MECHANICSBURG, PA 17055

I certify under penalty of perjury that the foregoing is true and correct.

Date: April 22, 2022

Respectfully submitted,

/s/ Vickie Williams
for Jack N. Zaharopoulos,
Standing Chapter 13 Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.